

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MIDLAND STATES BANK,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:21-cv-00354 JAR
)	
YGRENE ENERGY FUND, INC, et al.,)	
)	
Defendants.)	

**PLAINTIFF’S MOTION TO EXCLUDE EXPERT TESTIMONY
OF THOMAS R. MCREYNOLDS, MAI**

Plaintiff Midland States Bank (“Midland” or “Plaintiff”) for its Motion to Exclude Expert Testimony of Thomas R. McReynolds, states as follows:

1. On June 3, 2022, Midland received an Expert Disclosure (the “Expert Disclosure”) from the Ygrene Defendants.¹

2. The Expert Disclosure revealed that the Ygrene Defendants intend to introduce the expert testimony of purported expert Thomas R. McReynolds, MAI (“McReynolds”), as to “the fair market value of property and the fact property assessed clean energy assessments do not impact the fair market value” *See* Exhibit 1 to Plaintiff’s accompanying Memorandum in Support of this Motion.

3. As more fully set forth in Plaintiff’s Memorandum in Support of this Motion, McReynolds is not an expert with respect to PACE assessments on real estate, nor does his proffered testimony rely on any facts or data relevant to these proceedings. McReynolds’

¹ All defined terms used herein shall have the same meaning as used in Plaintiff’s Amended Complaint filed with this Court on February 1, 2022, unless expressly indicated otherwise. *See* Doc. 57.

testimony is not admissible under *Daubert* or Rule 702 of the Federal Rules of Evidence. See *Daubert v. Merrill Dow Pharms, Inc.*, 509 U.S. 579, 589 (1993).

4. Accordingly, and as further outlined in detail in Plaintiff's Memorandum in Support of this Motion filed contemporaneously, Plaintiff brings this Motion to exclude the McReynolds Testimony.

WHEREFORE, Plaintiff respectfully moves this Court for an order excluding Thomas R. McReynolds from testifying as an expert and barring his expert opinion at trial, and for such other and further orders and relief as this Court deems just and proper under the circumstances.

Date: November 23, 2022

Respectfully submitted,

LATHROP GPM LLP

/s/ Brooke F. Robbins

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby deposes and states that she caused the foregoing **Motion to Exclude Expert Testimony of Thomas R. McReynolds, MAI** to be filed with the Clerk of the Court on November 23, 2022, and served on all parties of record via the Court's CM/ECF system.

/s/ Brooke F. Robbins
Brooke F. Robbins